

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

REGINA JACKSON, )  
 ) **Case No.:**  
Plaintiff )  
 ) **COMPLAINT AND DEMAND FOR JURY**  
v. ) **TRIAL**  
 )  
SECURITY CREDIT SYSTEMS, INC., )  
 ) **(Unlawful Debt Collection Practices)**  
Defendant )  
\_\_\_\_\_ )

**COMPLAINT**

REGINA JACKSON (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., allege the following against SECURITY CREDIT SYSTEMS, INC. (“Defendant”):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”) and the Telephone Consumer Protection Act, 47 U.S.C. §227 *et seq.* (“TCPA”).

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant regularly conducts business in the State of Delaware, thus, personal jurisdiction is established.

1 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

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3 **PARTIES**

4 5. Plaintiff is a natural person residing in Wilmington, Delaware 19805.

5 6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

6 7. Plaintiff is a “person” as that term is defined by 47 U.S.C. §153(39).

7 8. Defendant is a national debt collection company with its principal place of  
8 business located at 622 Main Street, Suite 304, Buffalo, New York 14202.

9 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692a(6),  
10 and sought to collect a debt from Plaintiff.

11 10. Defendant is a “person” as that term is defined by 47 U.S.C. §153(39).

12 11. Defendant acted through its agents, employees, officers, members, directors,  
13 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

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15 **FACTUAL ALLEGATIONS**

16 12. Plaintiff has a cellular telephone number that she has had for at least one year.

17 13. Plaintiff has only used this phone as a cellular telephone.

18 14. At all relevant times, Defendant was attempting to collect an alleged credit card  
19 debt that was incurred primarily for personal, family or household purposes.

20 15. Beginning in the summer of 2015 and continuing through 2016, Defendant’s  
21 collectors placed repeated harassing telephone calls to Plaintiff’s cellular telephone, often  
22 calling multiple times daily, in its attempt to collect the alleged debt.  
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1           16. Plaintiff received automated calls that began with a pre-recorded voice stating:  
2 “Please hold” before calls were transferred to collectors.

3           17. Defendant placed calls from the following phone number: (716) 882-4515. The  
4 undersigned has confirmed that this phone number belongs to the Defendant.

5           18. On numerous occasions from 2015 and continuing through 2016, Plaintiff spoke  
6 to Defendant and told Defendant to stop calling her.

7           19. Once Defendant was aware that its calls were unwanted and to stop, its  
8 continued calls could have served no purpose other than harassment.

9           20. Despite Plaintiff’s repeated requests to stop calling, Defendant continued to call  
10 her cellular telephone number multiple times per day.

11           21. During these calls Defendant threatened to take legal action against Plaintiff and  
12 garnish her wages.

13           22. Upon information and belief, Defendant did not take such actions, and had no  
14 intention of taking such actions.

15           23. These repeated calls were frustrating and annoying, and Plaintiff was ultimately  
16 required to download an application on her cellular device to block Defendant’s calls.

17           24. Finally, Defendant failed to send written notification to Plaintiff advising her of  
18 her rights pursuant to the FDCPA.  
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21                                   **COUNT I**  
22                                   **DEFENDANT VIOLATED § 1692d and § 1692d(5) OF THE FDCPA**

23           25. A debt collector violates § 1692d(5) of the FDCPA by causing a telephone to  
24 ring or engaging any person in telephone conversation repeatedly or continuously with intent to  
25 annoy, abuse, or harass any person at the called number.

1           26.     A debt collector violates § 1692d of the FDCPA by engaging in any conduct the  
2 natural consequence of which it to harass, oppress, or abuse any person in connection with the  
3 collection of a debt.

4           27.     Defendant violated sections 1692d and 1692d(5) in the proceeding paragraphs  
5 when it multiple times beginning in 2015 and continuing through 2016, even after repeatedly  
6 being told to stop calling Plaintiff.

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8                                   **COUNT II**  
9                                   **DEFENDANT VIOLATED §§1692e, 1692e(5) and 1692e(10)**  
10                                  **OF THE FDCPA**

11           28.     A debt collector violates this section of the FDCPA by using false, deceptive or  
12 misleading representation or means in connection with the collection of the alleged debt.

13           29.     A debt collector violates 1692e(5) by threatening to take action that cannot be  
14 taken or is not intended to be taken.

15           30.     A debt collector violated 1692e(10) of the FDCPA by using false representation  
16 or deceptive means to collect or attempt to collect the alleged debt, or to obtain information  
17 concerning the Plaintiff.

18           31.     Defendant violated sections 1692e, 1692e(5) and 1692e(10) when it made false  
19 threats to pursue legal action and garnish Plaintiff's wages when it did not intend to take such  
20 actions.

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22                                   **COUNT III**  
23                                   **DEFENDANT VIOLATED §1692g OF THE FDCPA**

24           32.     A debt collector, within five (5) days after the initial communication with the  
25 consumer violates the FDCPA by failing to send the consumer a written notice containing all of

1 the following: the amount of the debt, the name of the creditor to whom the debt is owed, a  
2 statement that unless the PNC disputes the debt within thirty days after receiving this written  
3 notice, the debt will be presumed to be valid by the debt collector, a statement that if the  
4 consumer does notify the debt collector s/he disputes the debt, the debt collector will obtain and  
5 mail out verification of the debt, or a copy of any existing judgment, a statement that, upon the  
6 consumer's written request, the debt collector will provide the name and address of the original  
7 creditor.

8 33. In violation of § 1692 (g), Defendant failed to send Plaintiff a written notice  
9 containing the aforementioned information regarding the debt within five days after the initial  
10 contact was made by phone sometime in 2015. Plaintiff did not receive any letters from  
11 Defendant that provided information regarding the debt and his right to dispute the alleged  
12 credit card debt.

13 **COUNT VII**  
14 **DEFENDANT VIOLATED THE TCPA**

15 34. Plaintiff incorporates the forgoing paragraphs as though the same were set forth  
16 at length herein.

17 35. Defendant initiated multiple automated telephone calls to Plaintiff's cellular  
18 telephone number.

19 36. Defendant's initiated these automated calls to Plaintiff using an automatic  
20 telephone dialing system.

21 37. Defendant repeatedly placed non-emergency calls to Plaintiff's cellular  
22 telephone.  
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1           38. Under § 227(b)(3)(A) of the TCPA, a person or entity may bring a private cause  
2 of action in an appropriate court based on a violation of the TCPA or the regulations prescribed  
3 under the TCPA to enjoin such violation.

4           39. Under § 227(b)(3)(B) of the TCPA, a person or entity may bring a private cause  
5 of action in an appropriate court “to recover for actual monetary loss from such a violation, or  
6 to receive \$500 in damages for each such violation whichever is greater.”

7           40. Based upon the conduct of Defendant, Plaintiff avers that the enhancement of  
8 damages provided for by the TCPA allowing for Plaintiff to recover up to \$1,500 per  
9 call/violation be applied to calls placed.

10          41. Defendant’s conduct violated § 227(b)(1)(A)(iii) of the TCPA by placing  
11 repeated calls using an automatic telephone dialing system to Plaintiff’s cellular telephone.

12          42. Defendant’s calls to Plaintiff’s cellular telephone were not made with Plaintiff’s  
13 prior express consent.

14          43. Defendant’s acts as described above were done with malicious, intentional,  
15 willful, reckless, wanton and negligent disregard for Plaintiff’s rights under the law and with the  
16 purpose of harassing Plaintiff.

17          44. The acts and/or omissions of Defendant were done unfairly, unlawfully,  
18 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal  
19 defense, legal justification or legal excuse.

20          45. As a result of the above violations of the TCPA, Plaintiff has suffered the losses  
21 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles  
22 damages.  
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1 WHEREFORE, Plaintiff, REGINA JACKSON, therefore respectfully prays for  
2 judgment as follows:

- 3 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- 4 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to  
5 15 U.S.C. § 1692k(a)(2)(A);
- 6 c. All reasonable attorneys' fees, witness fees, court costs and other litigation  
7 costs, pursuant to 15 U.S.C. § 1693k(a)(3);
- 8 d. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);
- 9 e. Statutory damages of \$500.00 per violative telephone call pursuant to 47  
10 U.S.C. § 227(b)(3)(B);
- 11 f. Treble damages of \$1,500.00 per violative telephone call pursuant to 47  
12 U.S.C. § 227(b)(3);
- 13 g. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);
- 14 h. Any other relief deemed appropriate by this Honorable Court.
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17 **DEMAND FOR JURY TRIAL**

18 PLEASE TAKE NOTICE that Plaintiff, REGINA JACKSON, demands a jury trial in  
19 this case.

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RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C.

DATED: September 8, 2016

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